

DEFENDANT DANIEL TREVINO'S [CORRECTED] MOTION SUPPRESS #1; ATTACHMENT 1 - 1

STATE OF MICHIGAN)
COUNTY OF) SS
KENT)

SEARCH WARRANT

TO THE SHERIFF OR ANY PEACE OFFICER OF SAID COUNTY:

On this day Dan Alderink, affiant, having subscribed and sworn to an affidavit for a Search Warrant, and I having under oath examined affiant, am satisfied that probable cause exists;

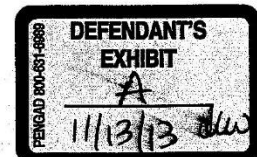
THEREFORE, IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, I command that you search the following described place:

The entire business located at 6701 Old 28th St SE, Suite H, Township of Cascade, County of Kent, State of Michigan, and further described as a two story commercial building, brown brick exterior, a green awning on the back of the building, the door for Suite H is on the back and lower part of the building with "6701" on the door, "Michigan Medical Marijuana Association" is on the business door as well. A sign showing "Hydroworld" is near the street, including all closets, fixtures, containers, clothing, and all places of concealment therein.

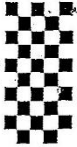
And to seize, secure, tabulate and make return according to law the following property and things:

To search for records of the above location which would indicate the trafficking of controlled substances such as, but not limited to, telephone records of long distance calls, financial transactions involving the accumulation or transferring of cash money. Photographs, videos, video recordings, computers, hard drives and computer discs, and magnetic storage devices. Any and all papers identifying or tending to identify the owner/occupant(s) of the above described premise, and/or any associates in controlled substance trafficking. Documents identifying names, addresses and telephone numbers of associates. Receipts of storage facilities, rental agreements, property interest in real or personal property. Receipts for other rental property, both real and personal, keys and/or receipts to a strong box. Records involved in the acquisition of assets. Paperwork indicating amounts of money owed or payable, names of customers and/or suppliers and their telephone numbers. Paperwork indicating weights that controlled substances are commonly sold in, tax records indicating the lack of income inconsistent with a possessor of these amounts of controlled substances, etc.

Any and all quantities of marijuana, together with any paraphernalia suitable for the use, possession, manufacture and cultivation or delivery of marijuana, and any and all papers, documents, and other articles identifying or tending to identify the occupant of the above described premise, and the possessors of the controlled substance marijuana, being evidence of a crime; any quantities of money tending to establish the illicit act of sales of marijuana. Any firearms and ammunition used for the protection of the controlled substance and/or the proceeds made from the sales of controlled substances, or for the protection of the business of the sale of controlled substances.



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OCT. 30. 2013 7:16PM

2013-10-30 23:40:44 (GMT)

From: Michael Milroy

NO. 993

P. 1

WHEREFORE, your affiant for the foregoing reasons does verily believe that evidence of further narcotics trafficking and/or manufacture, proceeds of narcotics trafficking and/or manufacture, and/or records/documents or other indicia of narcotics trafficking and/or manufacture will be discovered at 6701 28th St SE, Suite H, Grand Rapids, MI 49546 and/or persons.

ISSUED UNDER MY HAND THIS 30th DAY OF October, 2013.

Michael J Milroy 836374

JUDGE OF 63^d DISTRICT COURT
MyState

DEFENDANT DANIEL TREVINO'S [CORRECTED] MOTION SUPPRESS #1; ATTACHMENT 1 - 3

STATE OF MICHIGAN)
COUNTY OF) SS
KENT)

AFFIDAVIT FOR SEARCH WARRANT

TO THE SHERIFF OR ANY PEACE OFFICER OF SAID COUNTY:

Dan Alderink, affiant, now appears before the undersigned Magistrate authorized to issue warrants in criminal cases, and makes this affidavit in support of the issuance of a Search Warrant, to search the following described place:

The entire business located at 6701 Old 28th St SE, Suite H, Township of Cascade, County of Kent, State of Michigan, and further described as a two story commercial building, brown brick exterior, a green awning on the back of the building, the door for Suite H is on the back and lower part of the building with "6701" on the door, "Michigan Medical Marijuana Association" is on the business door as well. A sign showing "Hydroworld" is near the street, including all closets, fixtures, containers, clothing, and all places of concealment therein.

and to there seize, secure, tabulate and make return thereof according to law the following property or things which have been used in the commission of, or which constitute evidence of criminal conduct:

To search for records of the above location which would indicate the trafficking of controlled substances such as, but not limited to, telephone records of long distance calls, financial transactions involving the accumulation or transferring of cash money. Photographs, videos, video recordings, computers, hard drives and computer discs, and magnetic storage devices. Any and all papers identifying or tending to identify the owner/occupant(s) of the above described premise, and/or any associates in controlled substance trafficking. Documents identifying names, addresses and telephone numbers of associates. Receipts of storage facilities, rental agreements, property interest in real or personal property. Receipts for other rental property, both real and personal, keys and/or receipts to a strong box. Records involved in the acquisition of assets. Paperwork indicating amounts of money owed or payable, names of customers and/or suppliers and their telephone numbers. Paperwork indicating weights that controlled substances are commonly sold in, tax records indicating the lack of income inconsistent with a possessor of these amounts of controlled substances, etc.

Any and all quantities of marijuana, together with any paraphernalia suitable for the use, possession, manufacture and cultivation or delivery of marijuana, and any and all papers, documents, and other articles identifying or tending to identify the occupant of the above described premise, and the possessors of the controlled substance marijuana, being evidence of a crime; any quantities of money tending to establish the illicit act of sales of marijuana. Any firearms and ammunition used for the protection of the controlled substance and/or the proceeds made from the sales of controlled substances, or for the protection of the business of the sale of controlled substances.

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Affiant says that he has probable cause to believe that the above-listed things to be seized are now located upon said described premises, based upon the following facts:

Your affiant is a member of the Kent County Sheriff Department currently assigned to the Kent Area Narcotics Enforcement Team as a Detective and Canine Handler. Your affiant has worked for the Kent County Sheriff Department for seventeen (17) years, and has eighteen (18) years of law enforcement experience with duties including, but not limited to, road patrol officer, road patrol field training officer, vice officer, narcotics canine handler and certified clandestine laboratory responder with training in criminal investigations, search and seizure, basic narcotics investigations, advanced narcotics investigations, and raid entry and planning.

Your affiant currently investigates all levels of violations of the Michigan Controlled Substance Act in the West Michigan area. Your affiant has participated in many undercover narcotic cases and many narcotic search warrants. Further, your affiant is familiar with the distribution, concealment, use, and sale techniques common to the narcotics trade in West Michigan. Your affiant has also gained experience in cooperating with other local and federal law enforcement agencies specializing in narcotics trafficking.

Your affiant is currently a narcotics detection K-9 handler with the Kent Area Narcotics Enforcement Team. K-9 Joe is a nine (9) year old German Shepherd Police Service Dog certified in narcotics detection and patrol. K-9 Joe was trained in narcotics detection by North Coast K-9 in Sandusky, Ohio. Your affiant and K-9 Joe were trained in narcotics detection as a team with North Coast K-9 in March of 2006. K-9 Joe is trained in the odors of marijuana, cocaine, crack cocaine, heroin, methamphetamine and ecstasy. Your affiant and K-9 Joe certify in narcotics detection annually with the United States Police Canine Association (USPCA) and the National Association of Professional Canine Handlers (NAPCH). These certifications with USPCA and NAPCH are both current and valid. Your affiant and K-9 Joe train as a team weekly with other local K-9 teams, often with a master trainer present. K-9 Joe has successfully indicated on the odor of narcotics in excess of one thousand times while investigating specific complaints and in training sessions.

Your affiant has participated in the debriefings of numerous arrested individuals, and has learned first hand the intricacies of the criminal element and its relation to drug trafficking and drug usage in the community. Your affiant has also participated in the utilization of confidential sources on many occasions that have provided information leading to the seizure of narcotics and the arrest and conviction of individuals for narcotics related offenses. Your affiant has gained knowledge and experience in the execution, or cooperation with the execution of numerous search warrants.

Your affiant has participated in a 16 hour Indoor Marijuana Grow Investigations class through the Northeast Counter-drug Training Center in Lansing Michigan and received a certificate for the Cannabis Indoor Grow School.

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In this regard,

Your affiant and the Kent Area Narcotics Enforcement Team are currently involved in an investigation of the sales of marijuana occurring from the business located at 6701 Old 28th St SE, Suite H, Grand Rapids, MI 49546.

Your affiant received information about a "medical marijuana dispensary" in Cascade Township operating under the name of "Hydroworld." On March 6th, 2013, Hydroworld was served a letter prepared by the Kent County Prosecutor's Office advising them that medical marijuana dispensaries are illegal and that they needed to close their business. The letter was left with a person named Stan Leswesicz.

Your affiant was contacted by Deputy Ritchie and Deputy Hinds on October 30, 2013, who stated that Hydroworld was still open for business. Two traffic stops were conducted on people leaving Hydroworld and both subjects were in possession of marijuana which was purchased from the business.

The first subject is Edward Lee Mason, DOB: [REDACTED]. Mr. Mason was in possession of approximately three (3) grams of marijuana that he said he had purchased from a person named "Omar" at Hydroworld. Mr. Mason has an expired Michigan medical marijuana Patient card. This card expired on 08/01/2013 and lists his caregiver as Wafa M. Amash. The card registry number is P300815-130801.

The second subject is Colton James Westerling, DOB: [REDACTED]. Mr. Westerling was in possession of a half ounce of marijuana that he said was purchased from Hydroworld. Mr. Westerling had a valid Michigan medical marijuana card and also stated that he purchased the marijuana from "Omar."

Your affiant's understanding of the Michigan Medical Marijuana Act is that patients cannot purchase marijuana from those other than their registered caregivers and caregivers cannot sell marijuana to those other than their registered patients. Your affiant's understanding is also that medical marijuana patients cannot sell marijuana to other medical marijuana patients unless the seller is registered as the patient's caregiver.

These most recent purchases of marijuana from "Hydroworld" occurred after State of Michigan v McQueen was published by the Michigan Court of Appeals, clarifying that such dispensaries cannot sell marijuana under these circumstances.

Based upon the above experience and training, a pattern of criminal behavior has become apparent and predictable to your affiant. Traffickers of controlled substances can be classified both by the amount of controlled substances they are able to deal in and the purpose of trafficking.

The "user" type of trafficker is an individual who deals in controlled substances to support his need to obtain the controlled substance and can be differentiated from the individual who traffics a controlled substance for "profit". The "user" normally deals in smaller quantities, for example, one (1) gram of cocaine or one (1) ounce of marijuana deliveries or less. Normally, this individual traffics enough controlled substances to supply his or her personal needs. They normally do not have an organized system for his/her trafficking.

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However, the "profit" type of trafficker is usually capable of multiple grams and ounce sales of controlled substances and/or multiple ounces and pound sales of marijuana. These individuals normally have a relatively stable network of suppliers and customers. These individuals may or may not be gainfully employed while engaging in their trafficking. Because of the ongoing nature of these traffickers, it is necessary for these "profit" traffickers to maintain a base of operations where they can be contacted both by their suppliers and customers. This business type atmosphere generates the expected paper trails of phone calls, messages, use of communications devices, pagers, computer records, etc.

These dealers also need the equipment to process the controlled substances, such as scales for weighing and repackaging and/or cutting materials to "step" on their controlled substances. Based on your affiant's experience, it is customary for dealers at this level to "front" out their product or take partial payments for their deliveries which necessitates the need for these individuals to keep records of their ongoing transactions. As is the logical conclusion, for "profit" traffickers, the primary residue of all of their trafficking is money - which again produces a "paper trail" in transfers to financial institutions or to other people who store and safeguard and/or launder their profits.

Your affiant, through his training and experience, has learned about the keeping and maintaining of records at search warrant scenes. This information was gained by prior searches of residences and the debriefing of the suspects after their arrests. These debriefings frequently include cooperation of the suspects which further adds to your affiant's and the narcotics enforcement unit's knowledge of the internal workings of controlled substance trafficking.

Based upon the above training and experience, your affiant is aware that the sought trafficking records range in complexity from slips of paper to computer maintained records.

It has been learned by your affiant and the narcotics enforcement unit that records are kept depending upon their complexity in areas ranging from secret locations within the home to slips of paper stored in automobiles and/or persons located at the business. Your affiant and the narcotics enforcement unit are aware that firearms and ammunition are often kept at or near the location of larger quantities of drugs and/or money.

"Hydroworld" is located at 6701 Old 28th St SE, and the description of the premises provided in the place to be searched portion of this affidavit is accurate.

DEFENDANT DANIEL TREVINO'S [CORRECTED] MOTION SUPPRESS #1; ATTACHMENT 1 - 7

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2013-10-30 23:40:44 (GMT)

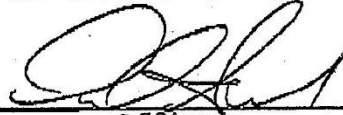
From: Michael Milroy

OCT. 30. 2013 7:16PM

NO. 993

P. 2

WHEREFORE, your affiant for the foregoing reasons does verily believe that evidence of further narcotics trafficking and/or manufacture, proceeds of narcotics trafficking and/or manufacture, and/or records/documents or other indicia of narcotics trafficking and/or manufacture will be discovered at 6701 28th St SE, Suite H, Grand Rapids, MI 49546 and/or persons.



Affiant

SUBSCRIBED AND SWORN TO BEFORE ME THIS 30th DAY OF October, 2013

Issuance of a Search Warrant
as prayed for in the foregoing
Affidavit for Search Warrant is
hereby authorized.

Michael J. Milroy #36374

JUDGE OF 63rd DISTRICT COURT
Mayer